

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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Asher Lang,

Plaintiff,

vs

GC Services Limited Partnership,

Defendant.

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Civil Action No.: \_\_\_\_\_

**COMPLAINT AND DEMAND  
FOR TRIAL BY JURY**

Plaintiff Asher Lang (“Plaintiff” or “Lang”), by and through his attorneys, FREDRICK SCHULMAN & ASSOCIATES, Attorneys at Law, as and for his Complaint against the Defendant GC Services Limited Partnership (“Defendant” or “GC”), respectfully sets forth, complains and alleges, upon information and belief, the following:

**INTRODUCTION/PRELIMINARY STATEMENT**

Plaintiff brings this action for damages and declaratory and injunctive relief arising from the Defendant’s violations of § 1692 et. seq. of Title 15 of the United States Code, (“U.S.C.”) commonly referred to as the Fair Debt Collection Practices Act (“FDCPA”).

The FDCPA is a strict liability statute, which provides for actual and/or statutory damages upon the showing of one violation. The Second Circuit has held that whether a debt collector’s conduct violates the FDCPA should be judged from the standpoint of the “least sophisticated consumer.” Clomon v. Jackson, 988 F2d 1314 (2d Cir. 1993).

### **PARTIES**

1. Plaintiff is a resident of the State of New York, County of Kings, residing at 1648 East 8th Street, Brooklyn, NY 11223.
2. Defendant is a collection firm with a principal place of business at 6330 Gulfton, Houston, Texas 77081, and, upon information and belief, is authorized to conduct business in the State of New York.
3. GC is a “debt collector” as the phrase is defined and used in the FDCPA.

### **JURISDICTION AND VENUE**

4. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331, as well as 15 U.S.C. § 1692 et. seq. and 28 U.S.C. § 2201. If applicable, the Court also has pendent jurisdiction over any State law claims in this action pursuant to 28 U.S.C. § 1367(a).
5. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2).

### **FACTUAL ALLEGATIONS**

6. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered “1” through “6” herein with the same force and effect as if the same were set forth at length herein.
7. Upon information and belief, on a date better known to the Defendant, Defendant began collection activities on an alleged consumer debt from the Plaintiff (“Alleged Debt”).
8. Beginning in or around July, the Defendant left at least five (5) voicemails for the Plaintiff with respect to the Alleged Debt (See transcript, attached hereto as “Exhibit A”).
9. In at least three (3) of those communications, the Defendant failed to state that it was a debt collector, attempting to collect a debt and that any information obtained would be used for that purpose.

10. Said failure on the part of the Defendant is a violation of the FDCPA, 15 U.S.C. § 1692e(11) which explicitly prohibits “The failure to disclose in the initial written communication with the consumer and, in addition, if the initial communication with the consumer is oral, in that initial oral communication, that the debt collector is attempting to collect a debt and that any information obtained will be used for that purpose, and the failure to disclose in subsequent communications that the communication is from a debt collector, except that this paragraph shall not apply to a formal pleading made in connection with a legal action”.
11. As a result of the Defendant’s deceptive, misleading and/or unfair debt collection practices, Defendant has violated its statutory requirements and Plaintiff is entitled to an award of damages, reasonable attorneys’ fees and costs.

**FIRST CAUSE OF ACTION**  
**(Violations of the FDCPA)**

12. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered “1” through “11” herein with the same force and effect as if the same were set forth at length herein.
13. Defendant’s debt collection efforts attempted and/or directed towards the Plaintiff violate various provisions of the FDCPA, including but not limited to 15 U.S.C. § 1692e(11) because Defendant failed to identify itself as a debt collector in, at least, three (3) communications.
14. As a result of the Defendant’s violations of the FDCPA, the Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

**DEMAND FOR TRIAL BY JURY**

15. Plaintiff hereby demands a trial by jury for all claims and issues in this complaint for which the Plaintiff is or may be entitled to a jury trial.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff Asher Lang demands judgment from the Defendant G.C. Services Limited Partnership as follows:

- A. For statutory damages provided and pursuant to 15 U.S.C. §1692k(a)(2)(A);
- B. For attorneys' fees and costs provided and pursuant to 15 U.S.C. §1692k(a)(3);
- C. For a declaration that the Defendant's practices violated the FDCPA; and,
- D. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

Dated: New York, New York  
April 26, 2013

Respectfully submitted,

By: s/Fredrick Schulman  
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